IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 458 / 2011
(Shri Bhagwan B Kadve vs. Education Officer (Sec) Z.P. And another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's order

CORAM : D.D.SINHA &
A.P.BHANGALE, JJ

DATED : 4th February, 2011.

Heard Mr N.D.Khamborkar, learned counsel for the petitioner; Mr S J Jichkar, learned Assistant Government Pleader for respondent no.1 and Mr B G Kulkarni, learned Advocate for respondent no.2.

The following facts are not in dispute; that this Court vide order dated 30th November, 2010 disposed of Writ Petition No.2884/ 2010 filed by one Tukaram Gakare along with the concerned management. In the said order, this Court has directed the Education Officer to consider the question of grant of approval in terms of Rule 3 of the Maharashtra Employees of Private Schools Rules, 1981. The Education Officer, pursuant to the said order, considered the eligibility for grant of approval to respondent no.2 in view of Rule 3 of the Rules of 1981 and found him to be senior-most teacher in the concerned school and, therefore, granted approval to the post of Headmaster held by respondent no.2, which is the subject

matter of challenge in the present Writ Petition.

In the present petition, there is no averment that respondent no.2 was not the senior-most teacher in the concerned school and in absence thereof it is difficult for us to appreciate the contention canvassed by the learned counsel for the petitioner against the order of grant of approval, particularly in view of Rule 3 of the Rules of 1981. It is brought to the notice of this Court that the services of respondent no.2 has been terminated. Be that as it may, in any case, there is no case made out for showing indulgence. Writ Petition is dismissed.

JUDGE **JUDGE**

sahare